

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

LATRISSE POMMELLS,

Plaintiff,

v.

STATE FARM INSURANCE,

Defendant.

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CIVIL ACTION

No. 18-5143

ORDER

AND NOW, this 3rd day of June, 2019, upon consideration of Defendant State Farm Insurance's ("State Farm") Motion to Dismiss Pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, Plaintiff Latrisse Pommells' Memorandum of Law in Opposition, and State Farm's Reply Brief, it is hereby **ORDERED** that State Farm's Motion (Doc. No. 6) is **GRANTED. IT IS FURTHER ORDERED** that:

1. Damages exceeding \$25,000 in Count I (breach of contract) of the Complaint are **DISMISSED WITHOUT PREJUDICE**;
2. Punitive damages in Count I of the Complaint are **DISMISSED WITH PREJUDICE**;
3. All allegations of breach of fiduciary duty are **DISMISSED WITH PREJUDICE**;
4. Count II (statutory bad faith) of the Complaint is **DISMISSED WITHOUT PREJUDICE**;
5. Count III (common law bad faith) of the Complaint is **DISMISSED WITH PREJUDICE**; and

6. Pommells shall have **FOURTEEN DAYS** from the date of this Order to file an Amended Complaint.

BY THE COURT:

/s/ Robert F. Kelly
ROBERT F. KELLY
SENIOR JUDGE